

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

September 19, 2003

**Committee
Report No.**

03-107

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Traffic Committee, having met on June 16, 2003 and September 4, 2003, makes reference to County Communication No. 03-82, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENTS ON COUNTY OF MAUI REAL PROPERTY TO ELIZABETH D. WILSON, TRUSTEE OF THE LAKALA TRUST FOR UNDERGROUND PRIVATE WATERLINE AND WATER METER ASSEMBLY PURPOSES".

The purpose of the proposed resolution is to authorize the granting of non-exclusive easements to Elizabeth D. Wilson in connection with parcels of real property located along Ehu Road in Olinda, Tax Map Key (TMK) Nos. (2) 2-4-013:067 and 070.

By correspondence dated March 28, 2003, your Committee Chair requested the Department of Public Works and Environmental Management to (1) revise the easement document to correct the TMK number; (2) revise the year in the first paragraph of the easement document; (3) report on the status of the waterline and roadway improvements; and (4) provide the Department's opinion regarding the requirement that the grantee resurface the entire length of the roadway that was disturbed by the utility improvement.

At its meeting of June 16, 2003, your Committee met with the Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

Your Committee deferred the matter without discussion.

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

September 19, 2003
Page 2

Committee
Report No. 03-107

By correspondence dated July 10, 2003, the Director of Public Works and Environmental Management provided the following:

1. information relative to the existing waterline improvements and the status of Ehu Road; and
2. a revised proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENTS ON COUNTY OF MAUI REAL PROPERTY TO ELIZABETH D. WILSON, TRUSTEE OF THE LAKALA TRUST FOR UNDERGROUND PRIVATE WATERLINE AND WATER METER ASSEMBLY PURPOSES".

The purpose of the revised proposed resolution is to authorize the granting of non-exclusive easements to Elizabeth D. Wilson in connection with parcels of real property located along Ehu Road in Olinda, TMK Nos. (2) 2-4-013:067 and 070 and incorporate technical revisions and other nonsubstantive changes.

At its meeting of September 4, 2003, your Committee met with the Director of Public Works and Environmental Management; the Director of Water Supply; a Deputy Corporation Counsel; and Steve Parker, Parker and Associates.

Your Committee received testimony from one individual who stated that she has waited a long time for the water meter, and requested that your Committee recommend adoption of the revised proposed resolution.

The Director of Public Works and Environmental Management provided your Committee with an overview of the matter. He stated that the proposed resolution will authorize the applicant to utilize an existing private waterline easement within the County's right-of-way. He indicated that the waterline improvements were installed in 1997 when the initial easement was granted. He also noted that since Ehu Road is an unimproved roadway and the applicant is connecting to an existing waterline, no roadway improvements are required. The Director stated that the \$10 fee to convey or grant the non-exclusive easement is "a recital of a nominal amount" to pay for easement rights. However, your Committee noted that the fees for this purpose appear to vary among easements and should be consistent.

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

September 19, 2003
Page 3

Committee
Report No. 03-107

Your Committee requested that the Department of Public Works and Environmental Management provide a list of fees, and an explanation of how fees are determined for the conveyance or granting of easement rights.

The Director of Water Supply stated that the Department is honoring a commitment from a previous Director, and therefore, the Department has no objections to the adoption of the revised proposed resolution. He also indicated that although the waterline is privately owned, the water that the applicant will be receiving is from the County's water supply. He noted that the private waterline is required to provide the applicant with water service from the County waterline's "point of adequacy". He noted that the private waterline is within the County's right-of-way.

In response to an inquiry by your Committee, Mr. Parker stated that the proposed request would allow the applicant to connect into one of eight waterlines that were installed in 1997 when the subdivision was approved. He noted that four of the eight waterlines are currently not being utilized. Mr. Parker stated that the private waterline, which will service the applicant's property, is installed and will receive a water meter upon the Council's adoption of the proposed resolution. The Director of Water Supply concurred with Mr. Parker.

Your Committee voted to recommend adoption of the revised proposed resolution, and filing of the communication.

Your Public Works and Traffic Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENTS ON COUNTY OF MAUI REAL PROPERTY TO ELIZABETH D. WILSON, TRUSTEE OF THE LAKALA TRUST FOR UNDERGROUND PRIVATE WATERLINE AND WATER METER ASSEMBLY PURPOSES", be ADOPTED; and
2. That County Communication No. 03-82 be FILED.

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

September 19, 2003
Page 4

Committee
Report No. 03-107

Adoption of this report is respectfully requested.

pwt:cr:0312ba:grs

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

September 19, 2003
Page 5

Committee
Report No. 03-107

MICHAEL J. MOLINA Chair

DAIN P. KANE Member

CHARMAINE TAVARES Vice-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member